

Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
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TO SECSTATE WASHDC 7987
INFO AMEMBASSY ANKARA
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AMEMBASSY KABUL
AMCONSUL KARACHI
AMCONSUL LAHORE
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AMEMBASSY NEW DELHI
AMEMBASSY PARIS
AMEMBASSY TEHRAN
CINCPAC HONOLULU

C O N F I D E N T I A L ISLAMABAD 6532

CINCPAC FOR POLAD

E.O.O. 11652: GDS
TAGS: PINT, SHUM, PK
SUBJECT: BHUTTO
JIAL ENDS FIFTH WEEK: IN CAMERA STATEMENT MADE PUBLIC

REF: (A) ISLAMABAD 6488 (B) ISLAMABAD 6294

1. SUMMARY: THE PAKISTAN SUPREME COURT'S HEARING IN THE
APPEAL OF FORMER PM BHUTTO AND FOUR OTHERS ON THEIR MURDER
CONVICTIONS ENDED ITS FIFTH WEEK JULY 5. BHUTTO'S LAWYER
COMPLETED THE READING OF THE PROSECUTION'S EVIDENCE AND WENT
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ON TO READ THE STATEMENTS BY THE OTHER APPELLANTS. THE COURT
DECIDED TO PERMIT THE PUBLIC READING OF THE BHUTTO STATEMENT
(HEARD IN CAMERA DURING THE LAHORE HIGH COURT TRAIL) WHICH
CONTAINED -- AND THUS AIRED AGAIN -- BHUTTO'S CHARGES OF US PRES-
SURE ON THE REPROCESSING PLANT. END SUMMARY.

2. THE SUPREME COURT'S HEARING OF THE APPEAL OF FORMER PM BHUTTO AND

FOUR OTHERS FROM THEIR MURDER CONVICTIONS, WHICH HAD BEEN IN RECESS FOR TWO WEEKS WHILE THE CHIEF JUSTICE ATTENDED AN ASIAN JURISTS' CONFERENCE IN JAKARTA (REF B). ENDED ITS FIFTH WEEK JULY 5. THE TRAIL WAS OVERSHADOWED IN THE PUBLIC EYE THIS WEEK BY THE ANNOUNCEMENT OF NEW FEDERAL MINISTERS (REF A), AND THERE WAS LITTLE SAID IN THE RAWALPINDI COURT ROOM THAT SPARKED GREAT PUBLIC INTEREST.

3. BHUTTO'S COUNSEL, YAYHA BAKHTIAR OMPSITED#THE READING OF THE EVIDENCE GIVEN IN THE LAHORE HIGH COURT TRIAL BY THE PROSECUTION WITNESSES. AS HE HAS THROUGHOUT THE EXAMINATION OF THE STATEMENTS, BAKHTIAR FOCUSED ON THE QUESTIONABLE VALUE OF TESTIMONY FROM PERSONS GRANTED IMMUNITY FROM PROSECUTION, THE APPARENTLY CASUAL MANNER OF RECORDING THE WITNESSES' STATEMENTS, AND THE STATE'S BALLISTICS REPORT.

4. AFTER BAKHTIAR COMPLETED THE READING OF THE PROSECUTION WITNESSES STATEMENTS, HE BEGAN TO READ OUT THE STATEMENTS BY THE APPELLANTS, INCLUDING BHUTTO. THIS MOVE IMMEDIATELY COMPELLED THE COURT TO CONSIDER WHETHER OR NOT TO HEAR IN OPEN SESSION THE READING OF

THAT PART OF THE BHUTTO STATEMENT BEFORE THE LAHORE HIGH COURT WHICH THE LAHORE COURT HAD INSISTED BE HEARD IN CAMERA. THE SUPREME COURT RULED THAT THERE WAS "NO COMPELLING REASON" FOR IT NOT TO HEAR THE STATEMENT IN OPEN COURT, AND SO IT DID, THUS AIRIM# AGAIN BHUTTO'S ALLEGATIONS OF A US ROLE IN HIS DOWNHILL AND SUBSEQUENT PROSECUTION. CONFIDENTIAL

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5. BAKHTIAR READ OUT THE FORMEPKO'S STATEMENT, WHICH CATALOGUED BHUTTO'S BELIEF THAT HE WAS NOT RECEIVING A FAIR TRIAL IN THE LAHORE COURT AND ANNOUNCED HIS REFUSAL TO COOPERATE WITH THE COURT

THE BHUTTO STATEMENT PREDICTABLY LAID THE BLAME ON THE US FOR HIS OUSTER;

REITERATING HIS NOW FAMILIAR THEME, BHUTTO SAID THAT IN AUGUST, 1976 HE WAS TOLD BY FORMER SECRETARY KISSINGER THAT "IF HE AS PRIME MINISTER

DID NOT CANCEL, MODIFY, OR POSTPONE THE REPROCESSING PLANT, THEY (I.E.

THE US), WOULD MAKE A HORRIBLE EXAMPLE OUT OF HIM." BHUTTO SAID THAT "FOR THE SAKE OF THE COUNTRY," HE DID NOT BACK DOWN AND THAT AFTER HIS ANTI-AMERICAN SPEECH TO THE NATIONAL ASSEMBLY IN APRIL, 1977, "THE BLOODHOUNDS WERE AFTER HIS BLOOD."

6. THE TRIAL RECESSED FOR THE WEEKEND AFTER HEARING THE STATEMENTS OF THE OTHER FOUR APPELLANTS; IT WILL RECONVENE SATURDAY JULY 8.

7. COMMENT: THERE IS STILL NO PUBLIC INDICATION OF BAKHTIAR'S PLANS, IF ANY, TO CALL WITNESSES AFTER HE HAS COMPLETED READING ALL THE EVIDENCE (REF B). IF THE COURT'S FAVORABLE RULING ON THE OPEN HEARING OF BHUTTO'S STATEMENT IS ANY INDICATION, BAKHTIAR MIGHT BE TEMPTED TO GO ALL THE WAY AND ASK THE COURT TO HEAR THE FORMER PM IN PERSON.

8. BHUTTO'S STATEMENT ON THE REPROCESSING PLANT DID NOT RECEIVE ANY PRESS PLAY OTHER THAN IN THE PAKISTAN TIMES' DAILY REPORT OF THE TRIAL. BHUTTO STILL PROBABLY VIEWS THE ANTI-US POSTURE AS THE KEY TO THE "POLITICAL" PORTION OF HIS DEFENSE, AND IF HE IS CALLED TO THE WITNESS STAND, HE WILL UNDOUBTEDLY MAKE USE OF THE ALLEGATION AGAIN.

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9. IT IS STILL ANYONE'S GUESS ON A COMPLETION DATE FOR THE HEARING. A SUPREME COURT JUSTICE TOLD THE DCM JULY 4 THAT THE JUSTICES HOPE TO COMPLETE THE CASE BY MID-AUGUST, SO THAT THEY WOULD BE ABLE TO SALVAGE SOME OF THEIR DELAYED SUMMER VACATION. HE DID NOT SPECULATE, HOWEVER, ON WHEN THE COURT WOULD RENDER ITS JUDGEMENT. HUMMEL

NOTE BY OC/T: # AS RECEIVED.

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